

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

MARQUA McCOY #711561,

Plaintiff,

v.

TODD BASTIAN et al.,

Defendants.

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Case No: 2:23-cv-48

HON. ROBERT J. JONKER

**ORDER APPROVING AND ADOPTING MAGISTRATE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on December 5, 2024 (ECF No. 43). The Report and Recommendation was duly served on the parties. No objections have been filed under 28 U.S.C. § 636(b)(1)(C).

**ACCORDINGLY, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge (ECF No. 43) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants' Motion for Summary Judgment (ECF No. 37) is **GRANTED** in part and **DENIED** in part. The Court dismisses Defendants Holley and Coronado. Plaintiff's claims against Defendant Bastian regarding his alleged threat of retaliation on April 15, 2022, and the alleged conspiratorial act on April 26, 2022, are dismissed. Plaintiff's sur-reply (ECF No. 42) is stricken. This case shall proceed against Defendant Bastian for the retaliation claim occurring on April 8, 2022.

Dated: December 30, 2024

/s/ Robert J. Jonker  
ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE